

ALTERNATIVE ARRANGEMENTS PURSUANT TO 40 CFR SECTION 1506.11-EMERGENCIES

NATURE OF PROPOSED ACTION	NATURE OF EMERGENCY	REQUESTING AGENCY	DATE CEQ CONTACTED	RESOLUTION OF REQUEST
1. Initiate land acquisition, relocation, site clearing and demolition activities prior to completion of the EIS process.	City of Detroit in such an economic crisis that the governor declared a state of emergency, GM threatened to build a new plant outside the city if a cleared site was delivered by May 1981.	City of Detroit, Michigan, under Section 104(h) of Community Development and Housing Act of 1974.	09/09/80	CEQ concurred in alternative arrangements proffered by City which included substantial mitigation and notification efforts, and no demolition prior to discussion with Advisory Council on Historic Preservation, Upheld in <u>Crosby v. Young</u> , 512 F. Supp. 1363 (E.D. Mich. 1981).
2. Construct emergency regulating pond to stop sewage flow from Tijuana, Mexico into U.S. prior to preparing an EA.	Uncontrolled sewage flowing into U.S. would pose health risk and foul beaches.	International Boundary and Water Commission	03/08/83	Approval given after environmental memorandum; preparation of EA followed.
3. Established boundary to effect an immediate separation between the stone crab fishery and shrimp fishery without first preparing an EA.	Resolve conflict which had escalated into physical violence between the two fisheries.	DOC/NOAA	03/09/83	CEQ concurred, noting that fishery season would terminate May 15 and boundary issue would be fully addressed in the two 1983-84 fishery management plans.
4. Spray for mosquitoes with pesticides without first preparing an EIS.	Stop outbreak of encephalitis in Yuma Proving Grounds, Arizona.	DOD/US Army	08/08/83	Permission granted to meet clear and present threat to human and animal health, although an EA or EIS might be necessary if long-term spraying were required.
5. OSHA published an emergency temporary standard on asbestos without doing an EIS.	Remove harmful material	DOL/OSHA	12/16/83	OSHA advised assessment would be done on environmental effects prior to permanent standard hearings.

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6. Begin aerial spraying of malathion pesticides in Idaho.	Combat infestation of migratory grasshoppers on Idaho cropland.	USDA/APHIS	08/03/84	APHIS notified CEQ of the action, advising that 1979 Programmatic EIS found no adverse environmental effects.
7. Stabilize the structural elements of a historic building prior to completion of the EIS process on the renovation.	Prevent the collapse of structure and remove hazardous asbestos.	Albany, NY Urban Renewal Agency under the Urban Development Action Grant program.	10/16/84	CEQ agreed with the action as it would not cause environmental harm, and the asbestos removal qualified as an emergency circumstance.
8. Clean up herbicide-contaminated material prior to the preparation of environmental documentation.	Herbicide-contaminated materials discovered at Fort A.P. Hill, Virginia (site of the 1981 Boy Scout Jamboree).	DOD/US Army	11/21/84	CEQ was notified that environmental documents would be done concurrently with testing and clean-up at the site.
9. Issue a right-of way grant and allow the State of Utah to begin construction of the Great Salt Lake West Desert pumping project prior to the projected filing of the FEIS with EPA in July 1986.	Combat rising lake levels with would result in extensive damage to surrounding industries, wildlife habitats, recreation areas, transportation systems, and personal and private property.	DOI/BLM	02/27/85	CEQ approved in May 1986 (after Utah legislature authorized construction funds), provided that BLM complete the NEPA process and discuss environmental impacts due to changes from the original EIS and that the state mitigate impacts as agreed to through the EIS.

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10. Issue a permit to capture the six remaining California condors and remove them from the wild.	Precipitous decline of species, likely extinction without enhancement of propagation.	DOI/FWS	12/20/85	CEQ agreed to issuance of permit, noting 9/85 EA, 10/85 FONSI, efforts were directed toward reentry of species in the wild. Upheld in <u>National Audubon Society v. Hester</u> , 801 F.2d 405 (D.C. Cir. 1986).
11. Destroy 1.3 million steelhead trout at Coleman National Fish Hatchery, California.	Stop the spread of incurable whirling disease, classified as emergency by FWS.	DOI/FWS	01/31/86	CEQ approved on basis of January 1986 EA.
12. Begin aerial spraying of pesticide malathion prior to signing of ROD.	Grasshopper infestation on rangeland in Arizona.	USDA/APHIS	04/25/86	CEQ approved limited to acreage originally specified in request.
13. Destroy 5 million juvenile upright bright fall Chinook salmon at Little White Salmon National Fish Hatchery, Washington.	Stop the outbreak of untreatable viral Infectious Hematopoietic Necrosis (IHN).	DOI/FWS	05/19/87	CEQ approved destruction, noting EA evaluated impacts and alternatives to proposed action.
14. Remove unexploded ordnance near Martha's Vineyard in MA prior to completion of EA.	Ordnance only recently exposed by natural wave process and was hazard to beach users unaware of it.	DOD/Army	08/29/88	Consultation was concurrent with action and prior to completion of EA.

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15. License a hydroelectric facility at Milner Dam in Idaho prior to FEIS completion.	Money was needed for immediate repairs to prevent dam failure due to seepage or earthquake.	FERC	10/25/88	CEQ approved based on FERC's commitment to impose license conditions to mitigate any adverse impacts.
16. Destroy 3.42 million Pacific salmon and steelhead eggs and fish at Makah National Fish Hatchery in Washington.	Stop spread of untreatable Viral Hemorrhagic Septicemia (VHS).	DOI/FWS	03/04/89	CEQ approved after review of February 1989 EA.
17. Lower the water level behind the Clear Creek Dam and Reservoir in Yakima, WA to 2970 feet prior to NEPA process.	Avoid dam failure resulting in loss of life and property.	DOI/BLM	01/30/90	CEQ approved with understanding that repairs or reconstruction thereafter would be conducted in compliance with NEPA.
18. Begin aerial spraying of pesticide malathion over residential areas in Los Angeles, CA prior to NEPA process.	Eradicate threatened outbreak of Mediterranean fruit fly infestation resulting in economic losses over \$800 million to CA agricultural industry.	USDA/APHIS	01/19/90	CEQ approved with 5 conditions (strict adherence to EPA quarantine exemption on Malathion; vigorously pursue NEPA process; monitor program; monthly status reports to CEQ; and publish notice in affected counties).
19. Issue right-of-way for construction of Upper Flamingo Wash Detention Basin in Las Vegas, NV prior to EIS completion.	Avoid frequent flooding that previously resulted in loss of life and millions dollars in damages.	DOI/BLM	11/19/90	CEQ concurred with the understanding BLM would complete the NEPA process for the remainder of the project.

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<p>20. Allow night flights into and an increase in the overall number of flights from, Westover Air Force Base in Massachusetts.</p>	<p>Troops and military supplies had to be transported for use in Persian Gulf military operations (Operation Desert Shield).</p>	<p>DOD/Air Force</p>	<p>11/21/90</p>	<p>CEQ agreed in view of the military action occurring in the Persian Gulf. On March 19, 1991 CEQ asked that five conditions be implemented immediately, in view of the continuing flights. One condition was to develop an EA, to be completed within 30 days, that would document environmental impacts of operations which exceeded the nature and number of flights occurring prior to Operation Desert Shield. The EA would analyze noise impacts, reasonable alternatives to East Coast landing sites, reasonable alternatives to current flight patterns, including reduction of nighttime departures, and additional mitigation possibilities. Other conditions included EA distribution and notice availability, a 30-day public comment period, Air Force response to substantive comments and continuing efforts to remain alert to opportunities to lessen nighttime use over Westover. Upheld in <u>Valley Citizens for a Safe Environment v. Vest et. al.</u>, (D. Mass. May 6, 1991) unpublished.</p>

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21. Test aerial deactivation of land mine from the air at Tonopah Test Range in Nevada.	Preparation for war in Persian Gulf (Operation Desert Shield).	DOD/Air Force	01/16/91	CEQ agreed, due to the relatively short time needed for testing (approximately 2 days) in view of the Military action in the Persian Gulf and the service's prior consultation with DOI/FWS.
22. Provide funding for the Idaho Fish & Game Dept. and the Shoshone-Bancroft tribe proposal to save the Snake River Sockeye salmon.	Migration of this sockeye salmon run had fallen to 4 adults in 1988, 1 adult in 1989 and no adults in 1990.	Bonneville Power Administration	05/01/91	CEQ agreed to preparation of a special EA and conferencing with NMFS under ESA. CEQ also participated in a conference call with representatives of 12 organizations and independently discussed issues of concern with interested parties.
23. Drawdown of Par Pond prior to completing an EA.	Inspection of dam revealed depression in earth dam. Emergency drawdown to prevent possible life threatening failure of the dam.	DOE	07/09/91	CEQ requested the preparation of a special environmental analysis of the drawdown, repair and refilling of the Par Pond. The analysis discussed mitigation measures. DOE entertained additional mitigation measures after public comment.
24. Allow the City of Portland, Oregon to pump down Bull Run Lake 17 ft below normal minimal level before the US Forest Service completes NEPA requirements.	City of Portland, Oregon requested pumping additional water from Bull Run to meet emergency water needs of the City.	USDA/Forest Service	09/03/92	CEQ agreed to allow the City of Portland, Oregon to pump water from Bull Run Lake with the following conditions: conduct an EA as soon as possible; explain the emergency conditions in EA; discuss the data gathering, monitoring and mitigation in the City's proposal; and provide EA to CEQ.

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<p>25. Take immediate action to reduce the bird-aircraft strike hazard at the JFK airport prior to APHIS completing a programmatic EIS for its gull-control program.</p>	<p>FAA issued an emergency advisory due to the severe bird-aircraft hazard conditions at the JFK airport.</p>	<p>USDA/APHIS</p>	<p>05/07/93</p>	<p>CEQ agreed that there are potentially serious conditions for people and birds. CEQ made recommendations regarding immediate actions, the programmatic EIS, and the ultimate decisions including: defining an acceptable risk; Secretaries should comply with 16 U.S.C. §460; FWS should not treat permits under a categorical exclusion; develop program of planting and maintaining tall grasses and wildflowers; and Port authorities and FWS should be cooperating agencies on the programmatic EIS.</p>
<p>26. Receive 144 spent fuel element from Belgium nuclear power plant prior to completing NEPA process.</p>	<p>Belgium nuclear reactor spent fuel element storage filled to capacity. If the US did not accept the spent fuel elements, the spent fuel had the potential to be used for nuclear weapon production.</p>	<p>DOE</p>	<p>October 1993</p>	<p>Based on discussions with the Department of State, CEQ approved DOE proposal regarding alternative NEPA arrangements. However, Belgium refused the US offer to accept the fuel elements.</p>

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27. Block off streets around the White House complex to vehicular traffic prior to initiating an environmental assessment.	Security was inadequate to protect the President, First Family and the White House complex.	Department of the Treasury	Approximately 05/20/95	CEQ concurred with the Department of the Treasury that an emergency situation existed that required immediate action. After closure, an EA was prepared.
28. Prior to completion of the EIS process, Spur roads will be formed by blading old fire roads and fuel breaks. The total acreage that would be disturbed by the proposed emergency measures are no more than 2.5 acres of land in the Otay WSA. The roads would be closed to public access.	Wildfires in the area have had a sudden and dramatic increase causing the County of San Diego to declare a state of emergency. Threats to human life and endangered and plant life were identified.	DOI/BLM	6/19/96	CEQ concurs with BLM's proposal to permit the State of California to begin construction of the proposed spur roads and helispots. Conditions to proceed under 1506.11 include: FWS on site review for helispots; consult FWS if location of proposed road or helispots change; have BLM archaeologist onsite for construction; normal NEPA for rehab of disturbed areas after emergency.
29. Prior to completing the analysis and making a decision under NEPA, trench and terrace slopes that lost nearly all vegetation in a recent fire.	Recent fire burned 15,000 acres of federal, state and private land near Boise, Idaho. Conditions conducive to flooding, mudslides, and debris flows threaten human life and property, water quality and soil productivity. State, County and Local officials declared the situation to be a disaster.	DOI/BLM and USDA/Forest Service	9/19/96	CEQ concurs with the determination that an emergency exists that warrants alternative arrangements. Conditions to proceed under 1506.11 include: distributing additional copies of the interagency report to interested parties; interagency team should implement the use of vegetative screening; develop monitoring plan, evaluate possibility of restoring natural grade; and notify CEQ upon termination of emergency action.

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<p>30. Deviation from the normal operation procedures under test 7 of the Experimental Program of Water Deliveries to Everglades National Park.</p>	<p>High levels of rainfall created extreme flooding conditions which threaten endangered species and public safety.</p>	<p>DOD/Army</p>	<p>January 1998</p>	<p>CEQ agreed that preparation of an EIS was not possible prior to implementing action. The alternative arrangements included: immediately distribute revised final emergency EA; develop comprehensive plan for public involvement; notify CEQ if unanticipated impacts occur; formal consultation with FWS after emergency; alternative action shall begin immediately and terminate after emergency at which time full NEPA requirements shall resume; provide CEQ with requested information.</p>
<p>31. Remove dead, drowned and severely root-sprung trees that were damaged by windstorm in the National Forests and Grasslands of Texas using alternative NEPA arrangements.</p>	<p>Windstorm caused destruction of habitat for red-cockaded woodpeckers; also gave rise to concerns about risk of high intensity fires and possible bark beetle infestation.</p>	<p>USDA/Forest Service</p>	<p>03/04/98</p>	<p>CEQ concluded that the situation is an emergency. The alternative arrangements include: the Forest Service will prepare an EA; only remove downed, dead or severely root-sprung trees; an interdisciplinary team will prioritize tree removal; implement long-term public involvement; will not proceed until emergency consultation under ESA is completed; maintain records regarding tree removal priorities; establish on-site monitoring team; notify CEQ if any modifications to these arrangements are necessary.</p>

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32. Remove dead, downed and damaged trees in wake of 07/04/99 windstorm affecting 478,000 acres of Superior National Forest. Action proposed for Gunflint Corridor.	One area of affected forest-Gunflint Corridor- is a 2 lane winding, dead-end road with 600 structures, including homes: high risk to people & homes. 3,896 acres treated.	USDA/Forest Service	08/11/99  CEQ response: 8/24/99	CEQ agreed. Conditions were: preparation of programmatic EA; joint CEQ/FS public meeting; scoping meetings and site visits for particular projects within corridor; consultation with other interested parties (agencies & tribes); and an on-site monitoring team.
33. Temporary, semi-permanent and permanent flood control measures following Cerro Grande Fire surrounding the Los Alamos National Laboratory in New Mexico.	High risk of soil erosion, flooding and debris flows threaten lives and property of the 10,000 residents in the communities of White Rock, the Pueblo of San Ildefonso and the Pueblo de Conchiti located downstream of Los Alamos National Laboratory.	National Nuclear Security Administration, DOE	05/2000  CEQ response: 6/15/2000	CEQ agreed on alternative arrangements that included: publication of FR notice outlining the emergency actions taken, being undertaken, and intended in the near term to address the effects of the fire as well as the potential impacts of emergency actions and proposed mitigation measures (dam construction) and DOE's plan for continuing public involvement; preparation of a Special Environmental Analysis; monitoring and adaptive mitigation measures; and report to CEQ.
34. Reduce wildfire fuel load in approximately 35,000 acres of 147,000 acre "high risk zone" of storm-damaged forest	340,000 acres of Ouachita National Forest damaged by ice storm, blocked 1700 miles of road, stands with ten-fold increased fuel load in close proximity to private property.	USDA/Forest Service	03/15/01	CEQ concurred on alternative arrangements with the following conditions: programmatic environmental analysis for highest priority areas for fuel treatments; expedited public comment before adopting a final PEA; project-specific EA before fuel reductions are authorized will be made public for a short comment period.

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35. Commercial timber harvest on approx. 6200 acres and mechanical treatment of smaller fuels.	6,200 acres of Mark Twain National Forest land within two ¼ to ½ mile swaths of tornado damage (+80% of vegetation leveled) with fire risk to public safety and private property.	USDA/Forest Service	July 8, 2002  CEQ Response July 12, 2002	CEQ concurred on alternative arrangements with the following conditions: programmatic environmental analysis for highest priority areas for fuel treatments; expedited public comment before adopting a final PEA; project-specific environmental analyses before individual fuel reduction projects are authorized will be made available to the interested public for short comment period.
36. Nuclear materials from Lybia		DOE		See: Federal Register on 5 March 2004 (Vol. 69, No. 44, pages 10440-10441)
36. NOMA infrastructure grants		DHS/FEMA	CEQ Response: Dec 6, 2005	See: <a href="http://www.fema.gov/plan/ehp/noma/index.shtm">http://www.fema.gov/plan/ehp/noma/index.shtm</a>
37. Mirant		DOE	Request and CEQ response: January 18, 2006	See: <a href="http://www.eh.doe.gov/nepa/process/11/March200611qr.pdf">http://www.eh.doe.gov/nepa/process/11/March200611qr.pdf</a>

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38. Washington State Forests		USDA/USFS		Existing NEPA procedures were applied and actions taken didn't involve significant impacts, no alternative arrangements were necessary.
39. Wolf Creek Dam	Dam in danger of breaking and flooding down river through Ky into Nashville, TN	USACE	Contacted: January 9, 2007  Request and response: January 18, 2007	See: <a href="http://www.lrn.usace.army.mil/WolfCreek/pdf/Scoping%20Letter.pdf">http://www.lrn.usace.army.mil/WolfCreek/pdf/Scoping%20Letter.pdf</a>
40. New Orleans flood protection	Reconstruction of levy(s) damaged in Hurricane Katrina for 100 year flood protection	USACE		See: <a href="http://www.mvn.usace.army.mil/pd/Envir_Processes_NEPA/Index.htm">http://www.mvn.usace.army.mil/pd/Envir_Processes_NEPA/Index.htm</a>
41. Navy MFA-sonar training in waters off southern California		US Navy	Request submitted January 10-11, 2008; response issued January 15, 2008	See: <a href="http://www.whitehouse.gov/ceq">http://www.whitehouse.gov/ceq</a>